

1 **STIP**
2 **GABRIEL L. GRASSO, ESQ.**
3 **State Bar Number 7358**
4 **9525 Hillwood Dr., Suite 190**
5 **Las Vegas, Nevada 89134**
6 **Tel: (702) 868-8866**
7 **Fax: (702) 868-5778**
8 **Attorney for DALE**

9 **UNITED STATES DISTRICT COURT**

10 **IN AND FOR THE DISTRICT OF NEVADA**

11 **UNITED STATES OF AMERICA,**)

12 **Plaintiff,**)

13 **vs.**)

14 **HEATHER DALE,**)

15 **Defendant.**)

Case No.: 2:12-cr-00083-APG-GWF

**STIPULATION TO CONTINUE
SENTENCING DATE**

(THIRD REQUEST)

16 *Certification:* This stipulation is filed pursuant to General Order 2007-04.

17 IT IS HEREBY STIPULATED AND AGREED, by and between the defendant
18 HEATHER DALE (DALE) through her attorney GABRIEL L. GRASSO, ESQ., and the
19 plaintiff, the United States of America, through KIMBERLY M. FRAYN and ANDREW
20 DUNCAN, Assistant United States Attorneys, that the sentencing hearing currently
21 scheduled for September 10, 2014, at 1:30 p.m., be vacated and continued to a date and
time convenient to this court, but no event earlier than 60 days.

22 This Stipulation is entered into pursuant to General Order 2007-04 and based
23 upon the following:

- 24 1. Defendant is currently set for sentencing on Wednesday, September 10,
25 2014 for the above captioned case.
- 26 2. Defendant is also currently set for a sentencing on October 27, 2014, in
27 case 4:13-cr-00129 in the Southern District of Texas.
- 28 3. Defendant currently resides in the state of Alabama. Therefore, travel
arrangements are needed to attend the sentencing in Texas and in
Nevada.

4. Defendant's grandfather is elderly and his health is deteriorating. Defendant wishes to spend the Thanksgiving holiday with her grandfather before she goes to prison.
5. Defendant asks for this court's leniency in continuing the sentencing hearing to sometime after the Thanksgiving Holiday so she may make travel arrangements within her financial capacity and spend the holiday with her grandfather.
6. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).
7. This is the third request for a continuance of the sentencing date in this case.

DATED this 28th day of August, 2014.

RESPECTFULLY SUBMITTED BY:

/s/ Kimberly M. Frayn
KIMBERLY M. FRAYN
Assistant United States Attorney

/s/ Gabriel L. Grasso
GABRIEL L. GRASSO
Attorney for DALE

/s/ Andrew W. Duncan
ANDREW W. DUNCAN
Assistant United States Attorney

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(THIRD REQUEST)

15 **FINDINGS OF FACT**

16 Based upon the submitted Stipulation, and good cause appearing therefore, the
17 Court finds that:

- 18 1. The Defendant will need to arrange travel to attend both the Texas and the
19 Nevada sentencing hearings.
- 20 2. The Defendant is seeking to spend the Thanksgiving Holiday with family
21 before having to possibly surrender into Bureau of Prisons custody.
- 22 2. This stipulation complies with General Order 2007-04.

23 **CONCLUSIONS OF LAW**

- 24 1. Failure to grant the requested continuance would be a miscarriage of
25 justice.
- 26 2. The additional time requested by the stipulation, is excludable in
27 computing the time within which the trial herein must commence pursuant
28 to the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A), considering the factors
under 18 U.S.C. § 3161(h)(8)(B)(i) and (iv).

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14 **Defendant.**)
15 _____)

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**ORDER CONTINUING
SENTENCING HEARING**

16 **IT IS ORDERED** that the sentencing hearing currently scheduled for September
17 10, 2014, at 1:30 p.m., be vacated and continued to _____
18 at the hour of _____.

19 IT IS SO ORDERED this _____ day of _____, 2014.
20
21
22
23

24 _____
25 UNITED STATES DISTRICT JUDGE
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